

REMARKS

Claims 80-94 remain pending in the application.

Applicant notes that the benefit claim filed on March 4, 2003 and received by the USPTO on March 10, 2003 was not entered. Applicant has filed a petition for an unintentionally delayed benefit claim under 37 C.F.R. §1.78(a)(3), a copy of which is submitted herewith (Attachment A).

Claims 80-94 are rejected in various combinations under 35 U.S.C. §102(e) as anticipated by Reiley et al. WO 95/20362 (Reiley WO 95/20362) or under 35 U.S.C. §103(a) over Reiley WO 95/20362 in view of Reiley et al. WO 98/56301 (Reiley WO 98/56301). Applicant's benefit claim filed on March 4, 2003 based upon the '786 Application removes Reiley WO 95/20362 and Reiley WO 98/56301 as prior art references to the instant application.

Respectfully Submitted,

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Kyphon/15103-COV/031114 Response to Office Action

Enclosures: Amendment Transmittal Letter
Attachment A
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